
Public Notice

Applicant: The Edward J. DeBartolo Corporation
Date: Published:
Expires:

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 97-512-0063(2) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Edward J. DeBartolo Corporation, 7620 Market Street, Youngstown, Ohio 44512, proposes to construct a retail complex on a portion of an approximately 189 acre parcel located at the southwestern quadrant of the intersection of State Route 8 and State Route 82 in the City of Macedonia, Summit County, Ohio. The applicant was previously authorized to place fill into approximately 2.46 acres of Federal jurisdiction wetlands and approximately 394 lineal feet of Leach Ditch, a previously channelized stream, for the construction of the first phase of development.

The current project consists of the following:

- a. Fill material will be placed into an additional 5.91 acres of Federal jurisdiction wetlands and approximately 656 lineal feet of Leach ditch in order to allow for required parking and additional retail development. This additional fill will bring the cumulative impacts on the project site to approximately 8.77 acres of wetland fill and culverting of approximately 1050 lineal feet of Leach Ditch. The wetlands to be filled are scrub shrub in nature and dominated by species such as red maple, American elm, northern arrow wood and stiff dogwood.
- b. As mitigation for previously authorized impacts, the applicant proposed to restore approximately 10.5 acres of wetland on the project site. As mitigation for the current project, the applicant proposes to preserve approximately 130.1 acres of the remainder of the project parcel, including approximately 76.8 acres of existing wetland, the previously required 10.5 acres of mitigation wetland and approximately 42.8 acres of upland buffer, in perpetuity. The preservation will be accomplished through deeding the preservation area to a conservation organization. In addition, the applicant proposes to restore or enhance a total of approximately 2600 lineal feet of stream channel which currently exist on the property. The stream restoration/enhancement will consist of increasing sinuosity of two previously channelized streams and planting woody vegetation in order to increase shade cover of these channels. The currently proposed mitigation will bring the total mitigation on site to include approximately 10.5 acres of wetland restoration, approximately 87 acres of wetland preservation, approximately 43 acres of upland buffer

preservation, and restoration/enhancement of approximately 2600 lineal feet of degraded stream channel. All of the stream restoration/enhancement is located within the proposed preservation area.

The applicant's stated purpose is to develop a portion of the site to allow for retail operations.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Steven V. Metivier, who can be contacted by calling (716) 879-4314, or by e-mail at: Steven.V.Metivier@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Steven V. Metivier, or by e-mail at: Steven.V.Metivier@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic

properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.